

EXHIBIT A

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

JESSICA THOMAS,

Plaintiff,

VS

Case No. 23-

-NO

HON.JUDGE:

FRONTIER AIRLINES, INC. ,

Defendant.

ROBERT A. CANNER P11572

MICHAEL CANNER P72777

ROBERT A. CANNER, P.C.

Attorneys for Plaintiff

24423 Southfield Rd., Ste. 200

Southfield, MI 48075

(248) 552-0400 / Fax: (248) 206-0101

racpcfirm@gmail.com

There is no pending or resolved civil action arising out of the transaction or occurrence alleged in this complaint.

COMPLAINT

NOW COMES the Plaintiff, JESSICA THOMAS, by and through her attorneys, ROBERT A. CANNER, P.C., and for her Complaint against the above-named Defendant insurance company, states as follows:

PARTIES, JURISDICTION AND VENUE

1. At all relevant times herein, Plaintiff, JESSICA THOMAS, pertinent hereto, is and have been at all times a resident of the City of Roseville, Macomb County, Michigan.
2. At all relevant times herein, Defendant, FRONTIER AIRLINES, INC , is a foreign profit corporation with the business ID 801047255 , and is/was licensed to conduct business, and did conduct business, in the City of Detroit, Wayne County, Michigan(LARA search attached).

3. Plaintiff, JESSICA THOMAS , seek an amount of compensation from Defendant, FRONTIER AIRLINES, INC, which exceeds Twenty-Five Thousand dollars (\$25,000.00).
4. This Court has jurisdiction over the parties and claims named and asserted herein.
5. Venue is proper in this Court.

GENERAL ALLEGATIONS

6. Plaintiff restates each and every allegation above as if set forth fully herein.
7. That on or about Wednesday April 21, 2021, Plaintiff was on 8:49 PM Frontier Airlines Inc flight with ticket number K534HL, from Detroit Metropolitan Wayne County Airport to Las Vegas, when about an hour into the air, smoke/ fumes/chemicals filled the plane/Plaintiff cabin and the plane was forced for an emergency landing in North Carolina. Fumes caused pain and burns to Ms. Thomas`s face, chin, neck, mouth and throat.
8. Plaintiff`s ticket details is in Defendants` possession and a copy is attached.
9. That on or about Wednesday April 21, 2021 Plaintiff suffered pain and burns to her face, chin, neck, mouth and throat which required continues treatment.
10. At the time of (“the Loss”), Plaintiff was duly insured by Defendant.
11. Plaintiff notified Defendant, and is requesting reimbursement for the pain and suffering.
12. Plaintiff submitted numerous satisfactory proof of loss to Defendant within a reasonable time (latest Proof of Notice attached).
13. Plaintiff fully and/or substantially complied with the terms of Defendants` policy.
14. Despite receiving satisfactory notice of the proof of pain, suffering and burns, Defendant has failed to pay benefits owing under the Policy and has refused to admit coverage under the same.

NEGLIGENCE AND BREACH OF CONTRACT ALLEGATIONS

15. That the Plaintiff restates each and every allegation above as if set forth fully herein.

16. That on or about April 21, 2021, the Plaintiff was a passenger on Defendant's property/plane, that is subject of this lawsuit.

17. That on or about April 21, 2021, smoke/fumes/chemicals ensued/occurred on the Defendant's Plane, causing burns to Plaintiff's face, chin, neck, mouth and throat, and caused scarring, permanent mental and physical serious injuries, due to smoke/fumes/chemicals inhalation by the Plaintiff.

18. That during the flight time the fumes/ smoke/chemicals release occurred ("the First Loss"), Plaintiff was duly insured by Defendant.

19. That the Plaintiff, gave timely notice about incurred losses to Defendant.

20. Plaintiff fully and/or substantially complied with the terms of Defendants' policy.

21. That as a direct and proximate result of the Defendant's negligence, as hereinbefore alleged, Plaintiff, sustained serious injuries including but not limited to smoke inhalation, burns to her face, chin, neck , mouth, throat, scarring, mental distress, shock, fright and mental anxiety.

22. That Plaintiff suffered injuries and other losses as a result of Defendant's negligence (554.139(1)(a), in failing to maintain safe premises for Plaintiff and their passengers; and to ensure compliance with all safety and fire codes.

23. That notwithstanding the duties and obligations imposed on said Defendant by the Statutes of the State of Michigan and the rules of common law, Defendant, did breach the aforementioned duties and as a proximate result thereof in failing to maintain a safe plane causing Plaintiff, to sustain serious injuries more particularly set forth herein.

24. That the Defendant breached its duties in the following particulars:

- a. Failure to warn passengers of the dangers of fire/smoke/fumes/chemicals which it knows or has created;
 - b. Failure to inspect the plane to discover possible dangerous conditions of which it did not know;
 - c. Failure to take reasonable precautions to protect Plaintiff and the other passenger, from dangers that are foreseeable; and to ensure the safety of their in compliance with all safety and fire codes
 - d. Failure to act in a reasonable and prudent manner under the same circumstances as will become more apparent through discovery.
25. Plaintiff hereby restates and incorporates the preceding allegations as if set forth fully herein.
26. That Michigan Compiled Law provides “That the premises and all common areas/cabin/plane are fit for the use intended by the parties”.
27. That MCL 554.139(3) provides that the privilege to inspect the premises does not relieve the Defendant/plane owner of the duty to keep the premises fit for the use intended by the parties.
28. That Plaintiff’s smoke inhalation, medical expenses and pain and suffering was a direct and foreseeable consequence of Defendant’s breach of its statutory duty.

WHEREFORE, Plaintiff, JESSICA THOMAS, respectfully request judgment against Defendant, FRONTIER AIRLINES, INC, in any amount above \$25,000.00 to which she is entitled, together with costs, interest, and attorney fees reasonably incurred, pursuant to MCL500.2006.

Respectfully submitted,

ROBERT A. CANNER, P.C.

By: /s/ Robert A. Canner

Robert A. Canner (P11572)
24423 Southfield Rd., Ste. 200
Southfield, MI 48075
(248) 552-0400; 248.206-0101
racpcfirm@gmail.com

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